

## President's Column

By Mike Malouf, Jr.



On September 24<sup>th</sup>, approximately 100 law school graduates will be admitted to practice law in Mississippi. The Bar Admissions Ceremony is something these young men and women

have planned for and thought about for many years. This celebration not only recognizes their hard work, but their acceptance into our profession.

I'm sure each of you can recall your very first legal employment. What was your experience with your first employer? Was it with someone you greatly respect and admire because they took the time to mentor and teach you the honorable way to practice law? Or was it someone who demanded too much with unreasonable expectations and low ethical standards?

What about your first court room experience against a seasoned attorney? Do you forever hold that attorney on a pedestal because he treated you with kindness? Or do you still begrudge his name for taking advantage of your inexperience?

How will *you* treat our new colleagues? Does it matter?

Of course it matters! Your interaction with

our new colleagues will have a direct effect how they will practice law. They will be absorbing every aspect of practicing law, including the art and skill of litigating, communicating, negotiating, advocating, and collaborating. For the next few years, we will be directly and indirectly instructing them on the standards of practicing law in Mississippi.

We have a duty to teach and mentor new attorneys on how to practice with honor and integrity, while vigorously representing their clients. We have an obligation to show them how to disagree while still being courteous to opposing counsel. We have a responsibility to show them that professionalism, trust and respect are core values in Mississippi. The future of practicing law in Mississippi is with our new admittees. Don't underestimate your impact!

Your Capitol Area Bar Association is also dedicated to helping these young attorneys learn to practice. At our CABA membership meetings, our speakers will address topics of professionalism and the practice of law. CABA community service events will emphasize the important ways that lawyers can give back to our communities. Our social events will bring together newer attorneys and seasoned practitioners in a relaxed environment. Encourage all young attorneys to attend our CABA functions to socialize with fellow attorneys, meet our distinguished judges, hear great speakers, and stay involved our legal community. ➔

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## Upcoming Events

**October 20**

Membership Meeting  
12:00 Noon at the Capital Club

**December 3**

Christmas Social  
5:30-7:30pm at the Old Capitol Inn

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# CABA Luncheon & CLE Meeting

October 20, 2015

12:00 Noon at the Capital Club

**\$15**

Lunch

for members & law clerks  
\$18 for guests



# JUDGE JACK WILSON PRAISED AT INVESTITURE

By Beverly Kraft

Court of Appeals Judge Jack Wilson of Madison has a great legal mind, wisdom, fairness and a heart for public service, said officials who worked with him before his recent appointment.

Gov. Phil Bryant, who appointed Judge Wilson to the Court of Appeals, said, “To know that the very best of the best throughout history have been chosen, the wisest among men and women to be judges, is the reason upon which I selected Jack Wilson to be appointed to this court. I believe him to be among those great men with the discernment, with the leadership opportunity, with the heart to be a great judge for our state and for our country.”

Mississippi Court of Appeals Chief Judge L. Joseph Lee said, “We are indeed honored at the Court of Appeals to have him as our

left vacant by the retirement of Judge Larry Roberts of Meridian. Family, friends and colleagues gathered at the Court of Appeals on Aug. 25 for a formal investiture ceremony. Judge Wilson was sworn in and began his duties on the Court of Appeals on July 1. It is traditional to have a formal investiture ceremony at a later time.

Judge Wilson said, “This is a special day for me and it’s a great feeling to look out and see so many friends and family and my pastors and former bosses...I especially want to thank Gov. Bryant for being here today, for giving me this opportunity and this great responsibility, for trusting me.”

“It’s a privilege to have worked for him. It’s an honor to be appointed by him and to stand here today, and I’m going to do my best to make sure this appointment reflects well on the Governor.”

Gov. Bryant hired Wilson as counsel for the office of the Governor at the start of his administration. “We were looking for a number of the top lawyers in the state—that I could afford.” The Governor noted that Wilson has plenty more lucrative opportunities, and could have worked on Wall Street. He chose instead to pursue public service in his home state.

Judge Wilson, 36, grew up in Jackson and Tupelo. He attended the University of Memphis, then earned a Bachelor of Accountancy from the University of Mississippi.

Judge Gerald Bard Tjoflat of the U.S. Court of Appeals for the 11<sup>th</sup> Circuit in Jacksonville, Fla., hired Wilson as a law clerk shortly after he graduated from Harvard Law School. He praised Gov. Bryant’s appointment.



Governor Phil Bryant spoke at the Investiture.

“Like the judges on the Supreme Court and this court, we judges hire law clerks. They are the brightest of the best, the cream of the crop, as they say. They come from the finest law schools.”

The Governor had a different perspective of Wilson’s Harvard Law education. “I was dubious of course at first because I realized he had gone to Harvard Law School. Now I am a conservative, a strict conservative and constitutional conservative,” he said. “As we began to work together, I realized that Harvard had not damaged his vision at all. In fact I think perhaps it even brought it into more focus because Jack was the true conservative attorney that I had hoped for, not in a social manner, not someone that wanted to change the social fabric of Mississippi but wanted to strictly adhere to the Constitution and the laws thereof...Interpretations are up to the courts and we certainly anticipate and accept those, but the right judge does make all the difference,” Gov. Bryant said.

Judge Tjoflat said, “Over the course of a year, one of the things that I admired about Jack was he didn’t have an agenda. He took every legal problem and looked at it the same way that a neurosurgeon would look at the x-rays and the MRI of a brain, and then brought all the skills he had acquired, and



Jack Wilson is sworn in as the newest member of the Mississippi Court of Appeals, pictured with his wife Amanda, and their children.

newest member. He has proven himself to be a most worthy and deserving jurist.”

Gov. Bryant appointed Judge Wilson on July 1 to the District 3, Position 1 judgeship

he is still acquiring them, to the task. So it didn't matter what kind of case we were working on. He brought the same kind of devotion to the job."

Judge Wilson said that Judge Tjoflat, "a legend and a giant of the federal bench," inspired him to seek a judgeship. "Judge Tjoflat was a great mentor to me in my first year out of law school. He taught me a lot about the law and being a lawyer. Really it was seeing his passion and his love for his job that made me want to be a judge. I left Jacksonville in 2005 saying that's what I want to do one day. I'm thrilled that he's here to see that come to fruition."



Judge Wilson's mentor, Judge Gerald Bard Tjoflat of the Court of Appeals for the 11th Circuit, attended the ceremony.

After working nearly two months on the court, "I can tell you already that this is truly a privilege," Judge Wilson said. "I'm someone honestly who just loves the law and the judicial ...process and so for me to get to come to work here each day and to look at a record of an appeal, and to read opinions of our court or of the Supreme Court and to try to get the result and the opinion just right based on the facts and the law, that's just a joy. There is no other work that I would rather spend my days at than this. And I hope that love I already have for this job will translate into good decision making and good opinions that will benefit the public and the state and the bar."

"I get to hear cases and discuss cases with an outstanding group of judges who all take their jobs very seriously and take getting the right result very seriously," Judge Wilson said.

The Court of Appeals hears cases assigned by the Supreme Court. Much of its caseload includes criminal appeals, family law cases involving child custody and Workers Compensation appeals involving injured workers.

"We are considered an error correction court as opposed to a court that decides unique or novel legal issues. As I appreciate it, our job is to try to ensure that cases decided in the courts all across this state are decided fairly

and accurately and correctly according to the law. That's a great honor to be involved in that process," he said. "That's a great responsibility and I am going to do my best and I'm going to work my hardest to do it well."

He asked for prayers for wisdom and fairness. "If it's God's will, I hope that I'm on this court for many, many years to come."

Before his appointment to the court, Judge Wilson practiced law with the firm of Bradley Arant Boult Cummings LLP in Jackson and Mayer Brown LLP in Washington, D.C. "I've had an opportunity to work with some great lawyers, some outstanding lawyers who have influenced me, who have made me a better lawyer and a better person. I'm grateful to those people and for all they have done for me." He singled out in particular Wayne Drinkwater and Steve Thomas, who attended the investiture.

Judge Wilson thanked his family for their encouragement and support. "I was blessed with two parents who spoiled me, not with things but with their time and their love and encouragement." He thanked his children, Emily, Jack, and Henry, and his wife Amanda. "She helps me to remember what's important in our life." ➔

# The 10 Year Anniversary of Katrina

## *Reflections on the Role of Lawyers in Disaster Recovery*

By Amanda Jones Tollison



Ten years ago on August 29th, the worst natural disaster in American history slammed into the Mississippi Gulf Coast, leaving a path of destruction across the state of Mississippi.

Forty-seven of Mississippi's 82 counties were declared disaster areas by the President of the United States. And while elected officials—local,

state and federal—and the citizens of this state immediately "hitched up their bootstraps" and went to work with massive clean-up, recovery and rebuilding, the Mississippi Bar Young Lawyers Division (YLD), as an ABA affiliate, began in earnest fulfilling its role to provide free legal services to disaster victims in those 47 counties pursuant to an agreement between the ABA, YLD, and FEMA.

Within four days, the Mississippi YLD established a toll-free hotline with volunteer lawyers providing legal advice over the phone. When FEMA opened the first disaster recovery center on September 6, 2005, a YLD member

who had lost his own home to the storm was there to answer questions from those affected by Hurricane Katrina. One week later, he housed several groups of volunteer lawyers from Jackson at his office. And thus began a steady stream of lawyers of all ages and from all areas of the state headed to South Mississippi to sit at the Legal Services table at one of the 34 disaster recovery centers that FEMA opened in Mississippi. These lawyer-volunteers helped Katrina victims with critical questions involving landlord-tenant law, mortgage, foreclosure and eviction notices, family law issues, and insurance. YLD members served as on-site

disaster recovery center coordinators, finding lawyer-volunteers to work at all of the disaster recovery centers advising victims through the disaster-related legal issues they were facing.

We soon determined that the YLD Disaster Legal Assistance Manual provided to lawyer volunteers was woefully lacking, given the scope of the disaster. The Ole Miss Law School Civil Legal Clinic quickly updated and revised the legal topics covered in the manual. Nine days following the hurricane's landfall, the MS Bar's Litigation/General Practice Section held its first in a series of CLE seminars on the disaster-related legal topics. MC and Ole Miss law school professors as well as practicing lawyers in Jackson and Oxford trained the lawyer-volunteers in the areas of the law implicated by a natural disaster. MC law students answered the disaster legal assistance hotline during the lunch hour for several weeks.

By the end of October, the MS YLD began staffing the disaster recovery centers with the greatest need—Waveland, Gulfport, Biloxi,

Ocean Springs and Moss Point. On-site legal assistance by lawyer volunteers at the disaster recovery centers concluded on December 15, 2005, three and a half months after it began. The Disaster Legal Assistance hotline operated through January 31, 2006—five months after the hurricane's landfall. At the conclusion of the YLD Disaster Legal Assistance Program, over 6,600 victims of Hurricane Katrina received free legal assistance through the hotline or on-site at FEMA disaster recovery centers. Approximately 600 Mississippi lawyers volunteered. Over 300 of those provided face-to-face legal advice to fellow citizens from one of the 47 disaster-declared counties, and nearly 300 lawyers gave legal advice over the phone. Seventy lawyers from out-of-state were specially admitted to the MS Bar under a Mississippi Supreme Court Order, allowing them to provide pro bono legal assistance to disaster victims through the YLD program. Numerous lawyers on the coast offered on-site legal assistance

themselves as well as southern hospitality at their homes to out-of-town lawyers who were working at the disaster recovery centers.

The goal of the disaster legal assistance program was to provide the delivery of free legal services to those who needed it most at a time when their need was greatest. Law professors and students from both Mississippi law schools, hundreds of Mississippi lawyers of all ages and from all areas of the state, including the hard-hit coast, and seventy specially-admitted out-of state lawyers volunteered countless hours of their time including the hard-hit coast to ensure that the goal was met and disaster victims were helped through a time a great crisis. Despite the negatives with the loss of human life and billions of dollars in destruction in this State, Hurricane Katrina showed us that Mississippians are resilient people, and our profession rallied around its fellow citizens to fulfill a small role in helping them as they rebuilt their lives and homes. ➤

# “DO THE WORK, SEE A NEED, HELP A NEED”

*The American Bar Association Recognizes the work of CABA Member Carlyn Hicks*

By Patti Gandy



The American Bar Association recently recognized the work of Jackson attorney Carlyn Hicks with a major national award. Carlyn was awarded the 2015 Child Advocacy Award by the Young Lawyers Division of the American Bar Association, recognizing her ground breaking work with the Parent Representation Program. The award was presented to Carlyn at the ABA National

Conference in Chicago on August 2, 2015, to a standing ovation by conference attendees.

The ABA's award recognizes Caryn's dedication to child advocacy as Parent Representation Program Director at Mission First Legal Aid Office. "Your commitment to child advocacy is an inspiration, and we are thrilled to honor you with this award," Andrew M. Schpak, chair of the ABA Young Lawyers Division, told Hicks in his letter announcing her selection as the award winner.

The Parent Representation Program seeks to provide a holistic and collaborative approach to family healing and reunification for those families involved in the child welfare system.



Carlyn Hicks was awarded the 2015 Child Advocacy Award by the Young Lawyers Division of the American Bar Association.

Carlyn has served as program director since 2012. The Parent Representation Program is a pilot project made possible by a partnership between the Administrative Office of Courts, the Rankin County Youth Court, and Mississippi College School of Law. It is based at Mission First, where Carlyn has been a staff attorney since 2010. The program currently provides representation to parents in Rankin County Youth Court.

As Director of the Parent Representation Program, Carlyn works tirelessly as an advocate for those who cannot speak for themselves. She screens potential clients, conducts interviews, investigates, prepares pleadings, propounds discovery, locates necessary resources, attends team meetings, and represents clients in all stages of litigation in child welfare cases in Rankin County.

Carlyn's efforts caught local attention long before the ABA made its award. "If there is one word to describe Carlyn's dedication to families and children, it is passion," said MC Law Dean Wendy Scott. "Her passion for this

work is contagious."

Judge Tom Broome, Rankin County Youth Court Judge, has observed Carlyn's work with the Parent Representation Program. "Carlyn truly lives the Golden Rule," remarked Judge Broome. "Her professional accomplishments aside, Carlyn never fails to engage the whole person no matter who you are or from whence you came. Her wisdom and charm, as well as kind civility, are often lacking in many today, but not with Carlyn. She makes sure to treat all with respect, and she brings a sense of clarity and purpose to all she works with to accomplish their goals."

The Parent Representation Program does much more than provide legal assistance in Rankin County Youth Court. Carlyn also organizes orientation workshops to educate parents about the Youth Court process and navigating the child welfare system; identifies resources that strengthen vulnerable families, provide guidance and counseling, and help improve outcomes for indigent families; and

*“Her passion for this work is contagious.”*

promotes legislation to recognize and enhance the Parent Representation Pilot Programs. At the inception of the program, Carlyn conducted multidisciplinary trainings with representatives from the Youth Court, the County Prosecutor's Office, children's attorneys, representatives from the Department of Human Services, and Guardians ad Litem. Carlyn demonstrates a remarkable ability to bring together diverse personalities, talents, and resources to work toward the common goal of providing quality pro bono legal representation to indigent parents involved in child welfare cases in Mississippi.

In accepting the ABA's award, Carlyn shared her personal motto: "Do the work. See a need, help a need." The Parent Representation Program is proof that Carlyn has done the work needed to empower parents, protect Mississippi's children, and strengthen our communities. ➡

# Pat Evans and Granddaughter Honored for Outstanding Volunteer Service

By Linda Thompson



Goodwill Industries Volunteer Services recently honored CABA Executive Director Pat Evans for excellence in community volunteering. GIVS presented this year's awards at its Volunteer Salute event on August 20, 2015, before a packed house at the Country Club of Jackson.

Pat said, "Since 1985, Goodwill has held its Volunteer Salute, and I was honored to be selected this year. I was especially

pleased, however, that my granddaughter Mary Reid Dixon, a senior at Madison-Ridgeland Academy, was also chosen and shared the event with me."

In her biographical sketch, Pat noted that her life consists of four moving parts. The first (and most important) is her family. The second is her volunteer work; the third, her church, the Chapel of the Cross in Madison; and the fourth, her career, the last 25 years of which were at Mississippi College School of Law (until she retired in 2013) and the Capital Area Bar Association.

Pat has served as President and Vice President of the Jackson Symphony League and chaired numerous of its important committees; a member of the Mississippi Symphony Orchestra



Pictured at the Volunteer Salute on August 20th are CABA Executive Director Pat Evans and her granddaughter Mary Reid Dixon, both honored for their community volunteering by the Goodwill Industries Volunteer Services.

Board of Governors; a member of the Board of Directors of the Arts Alliance of Jackson and Hinds County; Secretary of the Gallery Guild of the Mississippi Museum of Art; President-Elect and Vice President of the Pleiades Literary Club; President of her Luncheon Club; Treasurer of her Homeowner's Association; PTA President; and chairman of the statewide literary competition at St. Andrew's School.

In her church work, Pat has been a licensed Eucharist Lay Minister for more than 30 years. She has served as a member of the Statewide Advisory Committee for Lay Ministers, a Vestry member, and a delegate to the Mississippi Diocesan Council. Pat is also a trained Stephen Minister

and Stephen Leader. The Stephen Ministry is a non-profit Christian education organization offering one-to-one Christian care to people who are going through some significant life crisis.

Mary Reid Dixon is the daughter of Leslie (Pat's daughter) and Justyn Dixon. Proud grandmother Pat commented, "Leslie and Justyn have done an outstanding job of rearing such a responsible young woman."

Mary Reid is President of the Student Body at Madison-Ridgeland Academy. Her many extracurricular interests include Habitat for Humanity Club, Latin Club, Rotary Club, Varsity Dance Team, HOBY Youth Leadership Program, Mayor's Youth Council, and Yearbook

Staff Design Editor. Her community service includes volunteer work for the American Heart Association, Make-A-Wish Foundation, Mississippi Animal Rescue League, Mustard Seed, and Stewpot Community Services. She has served as a Mississippi House of Representatives page, and she has received many awards and honors throughout middle school and high school including a citizenship award, faculty-nominated leadership and service awards, the United States Achievement Academy Advanced Placement Award, and election to the National Honor Society. 📌

# FEDERAL COURT CONTINUES OUTREACH PROGRAMS

By Terry Rushing

The first line of the Commentary to Canon 4 of the Code of Conduct for United States Judges states, "Complete separation of a judge from extrajudicial activities is neither possible nor wise; a judge should not become isolated from the society in which the judge lives." To that end, judges are encouraged to participate in bar associations and other organizations "dedicated to the law." Echoing that sentiment Judge Harry T. Edwards, Senior Judge for the Court of Appeals for the D.C. Circuit, once complained that "the life of a judge sometimes approaches monasticism." Harry T. Edwards, *The Role of a Judge in Modern Society: Some Reflections on Current Practice in Federal Appellate Adjudication*, 32 Clev. St. L. Rev. 385, 409 (1983-84). Judge Edwards argued that judges have a duty to involve themselves in the world, concluding, "If he is to continue developing as a person after he comes on the bench—and if he is to

decide cases as well as he is able—he should maintain a diverse group of friends, travel widely, give speeches (that do not engage political disputes or improperly pertain to matters before the court), and seek out opportunities for exchanges of ideas." *Id.* at 409.

Mississippi's federal judges have, historically, participated in functions sponsored by the Mississippi Bar, Mississippi's chapters of the Federal Bar Association, American Inns of Court, and local Bar organizations. One local program that has been particularly successful has been the Lunch and Learn meeting in the Jackson courthouse. Judge Reeves recently spoke at the third program in this series. As was the case with earlier sessions, the list of participants filled quickly from members of CABA and the FBA, and the Court's conference room was packed. Judge Jordan will conduct the next session. Another program in its initial phase involves the student chapter of the FBA at Mississippi College School of Law. In April, a group of students came to the courthouse for

a tour and a lunch with Chief Judge Guirola, and the program is expected to continue in the fall semester.

Judges from the Northern and Southern Districts of Mississippi also attended this



Captain Fred Haise, pictured above.

year's Annual Meeting in Sandestin. Arthur Johnston, Clerk of the Southern District, and David Crews, Clerk of the Northern District, put together a memorable agenda. The Judges did not come alone, but brought two notable guests: Fifth Circuit Chief Judge Carl Stewart, and Captain Fred Haise, a former astronaut who flew on NASA's Apollo 13 mission. Captain Haise served as the speaker for the General Assembly Thursday morning, and he gave his presentation to a packed house. Judge Stewart's participation was more low-key, but equally rewarding.

Arthur announced Captain Haise's visit to me last spring, when he asked me whether I would be willing to "chauffeur" him to and from the airport. The request that I serve in this capacity was puzzling, until I realized that it might have something to do with my car. A 2010 Honda Fit with a 5-speed manual transmission was the vehicle most likely to remind the Captain of the Lunar Module. Unfortunately, the car's 4-cylinder engine prevented the air conditioner from getting the vehicle cold enough to make him feel at home.

Captain Haise practically bounced into the baggage area, at a pace that belied his 82 years, and refused an offer to carry his bag. The next morning, he was downstairs before the appointed time (he was a Marine fighter pilot, after all), totally squared away and ready to talk.

We had some brief difficulties with the AV equipment. I offered to find him some duct tape and a pair of socks—I've seen the movie, but he managed to fix the problem without help from the "ground crew." (That was not an empty offer—Arthur brings duct tape to every Judges' function now, as the result of an unfortunate incident a few years ago that involved me, a chair, a portrait drape, and an easel—but that's another story.) The room filled quickly with families, including many children who looked mildly puzzled at being up that early on a trip to the beach and their star-struck parents—okay, mostly fathers. Captain Haise gave a great talk, and we learned several things about the Apollo 13 flight:

- Before the explosion, Haise was floating around the command module taking pictures of everything, including himself.

He claims he took the first "selfie."

- The astronauts were not quite as stoic after the explosion as the movie portrayed; it was just that the many unprecedented tasks that had to be performed kept them occupied. Haise, in particular, had to get into the lunar module and power it up much more quickly than had ever been done, so he didn't have time to think about anything else.
- Haise is unhappy with the amount of profanity in the movie (I can't remember that there was that much). He says he has listened to the tapes of the conversations, and Lovell says "hell" once.
- Gene Kranz is actually a composite of the four flight directors, although he was the overall boss. There was a team for each 8-hour shift, plus a floating team. The explosion occurred at the end of the shift before Kranz's, so his team was the first to work on it.
- The conversations between the ground crew and the space crew are public record. The conversations *between* ground crew personnel are not. Haise didn't get a chance to listen to those until about 20 years after the mission, and he said that was when he realized how much trouble they had actually been in.
- The Apollo 13 crew holds the record for being farther away from the earth than any other humans (that we know of). That was partly due to the location of the moon in its orbit during the mission, and partly due to the trajectory they had to take around it.
- The scene where the crew members rip off their monitoring probes didn't happen; that system had been powered down early on, and NASA wasn't getting any biometrics from the crew.
- Because they didn't have any hot water, the dry food stored on the craft was unusable. Lovell had smuggled some food on board (hot dogs and whatnot), and that's what they ate.
- Apollo 13's splashdown was the second most accurate in NASA history.
- It had gotten so cold on board the Odyssey that blocks of ice were found in it after recovery.

Afterward, and at every subsequent function, Captain Haise was unfailingly gracious, posing for long stretches with every child (and parent) who wanted to have a picture taken with him.

Judge Stewart arrived Thursday afternoon, incredulous at having made a business trip without travel problems, and cautiously optimistic that he would be simply a guest at this meeting, without being asked to give an impromptu talk. He and Captain Haise were the guests of honor at a reception and dinner Thursday night. Judge Stewart also attended a breakfast Friday morning hosted by both District Courts for all of the attendees of the Annual Meeting. His luck held on one point—he was never asked to give a speech. Unfortunately, his traveling luck ran out. His flight from Florida was delayed by maintenance issues; he missed his connection in Atlanta; and he didn't get back to Shreveport until almost midnight. Nonetheless, Judge Stewart reported that he had a wonderful time, and he was most impressed by the hospitality of the Mississippi Bar.

On October 30, the Northern District will sponsor its annual Bench and Bar CLE Seminar, to be held in Oxford at The Inn at Ole Miss Hotel and Conference Center. The theme of this year's Conference is "The Rule of Law." The Southern District's next Lunch & Learn will be held in November; the exact date will be announced later. 🍷



# MIND YOUR MANNERS

## THE MISSISSIPPI BAR INTRODUCES NEW DEPOSITION GUIDELINES

By Meta Copeland



In November of 2014, the Board of Commissioners of The Mississippi Bar adopted a comprehensive set of guidelines for the taking of depositions in Mississippi. These Deposition Guidelines are the product of two years of careful study by the Bar's Professionalism Committee, and they are intended to "promote professionalism in depositions and provide attorneys with ample guidance to conduct a deposition in a professional manner."<sup>1</sup>

### Why have Deposition Guidelines?

The Bar's Deposition Guidelines address the perceived decline of civility in the discovery process. In 2012, the Professionalism Committee began considering guidance for depositions after "frequent reports" to the General Counsel's office of unprofessional attorney conduct during depositions. Many attorneys have heard anecdotal accounts of lawyers behaving badly in depositions, and some of you may have witnessed this bad behavior. Regrettably, this is consistent with a broader concern. Most recently, 47% of our colleagues in The Mississippi Bar agreed that professionalism among attorneys has decreased in the last five years, according to the Bar's 2014 Economic Survey.<sup>2</sup>

If professionalism is truly on the decline, then it is logical to expect problems in the context of a deposition. A deposition provides a lawyer with the opportunity to impress a client, evaluate (or even intimidate) opposing counsel, and assess a witness. Opposing counsel face each other in a deposition outside the presence of a

judge or some third party such as a mediator. The Professionalism Committee noted that for many lawyers, the deposition is the substitute for courtroom litigation because so many cases now end before trial. The adversarial context of the courtroom has migrated to the conference room, as deposition transcripts can attest.

The guidelines delineate between effective and excessive deposition strategy. They are not intended to limit the role of the attorney as advocate. Deposition questions should remain robust, adversarial, and even aggressive. According to Mississippi Bar President Roy Campbell, who spoke about the guidelines during the 2015 Annual Convention, the guidelines serve as a "gentle reminder" of the boundaries of permissible conduct in depositions.

### What do the Guidelines Cover?

The Deposition Guidelines consist of a general statement and eight itemized guidelines. The general statement provides that:

Depositions should be dignified, respectful proceedings for the discovery and preservation of evidence. To the extent possible, depositions should be conducted just as examinations of witnesses during trials or hearings. See F.R.Civ.P. 30(c)(1) ("The examination and cross-examination of a deponent proceed as they would at trial under the Federal Rules of Evidence, except Rules 103 and 615.").

This general introduction can be compared to Rule 3.02 of the Uniform Rules of Circuit and County Court Practice, which requires attorneys to treat witnesses and opposing counsel with respect and to refrain from annoying or harassing conduct during court proceedings.<sup>3</sup> Similarly, Rule 1.01 of the Uniform Rules of

Chancery Court admonishes counsel to be respectful and to avoid "bickering" or "wrangling" with opposing counsel or a witness.<sup>4</sup> These requirements are incorporated into the general statement of the Deposition Guidelines. This introduction contains no radical changes to discovery practice; instead, the Bar offers another reminder on how lawyers are expected to behave. As Roy Campbell noted in his remarks at the Annual Convention, if lawyers would follow the letter and spirit of the general statement, few problems would arise from depositions.

Eight specific guidelines follow the introduction. The guidelines also cite to an article that provides detailed advice on preparing for and taking depositions. The guidelines may be found here: <http://www.msbar.org/media/928317/deposition-guidelines.pdf>

The eight subparts, guidelines (2) (A)—(I), can be summarized as follows:

- A. Schedule depositions at mutually agreeable times whenever possible.
- B. Depositions should be "necessary" to the claims or defenses of the case.
- C. Be courteous and avoid abusive questioning or conduct.
- D. Limit objections to legitimate grounds and using a "nonsuggestive" manner.
- E. Instruct a witness not to answer only in limited circumstances.
- F. During breaks, do not speak with non-client witnesses unless permitted by the court.
- G. Do not advise a client while a question is pending.
- H. Do not give legal advice to unrepresented witnesses or induce them to waive Fifth Amendment rights or privileged information, but do ensure that the witness understands the right to read and sign after the deposition.
- I. Make every reasonable effort to work out disagreements before involving the court.

1. See <http://www.msbar.org/media/928317/deposition-guidelines.pdf>

2. 2014 Economic Study, Mississippi Bar, <http://www.msbar.org/media/2046287/2014-economic-survey-report.pdf>

3. Uniform Cir. & Co. Court Rule 3.02

4. Uniform Chanc. Court Rule 1.01

These eight guidelines memorialize what most lawyers would describe as professionalism in the discovery process. Yet, not everyone will agree with the Bar’s suggestions. In particular, we can expect discussion among lawyers over two subjects—objections and contact with non-client witnesses. The guidelines allow objections made for a “legitimate purpose,” such as to form. The guidelines do not permit suggestive objections, such as the often-used speaking objections “if the witness knows,” “if the witness remembers”, etcetera. As additional guidance on managing objections in depositions, the guidelines reference an article on federal practice from *Practical Law The Journal/Litigation*. This article lists proper objections to form, which presumably constitute legitimate objections under the guidelines: leading, argumentative, compound question, misleading, lack of foundation, speculative, vague, or calling for a legal conclusion.<sup>5</sup> Other legitimate objections include objections as to competency, the manner in which the deposition was taken, and errors which could have been

cured during the deposition; otherwise these objections are waived.<sup>6</sup>

Questions may also arise over the restriction against speaking with non-represented witnesses without court permission. Read broadly, this guideline would prevent an attorney from conferring with the employee or family member of a client, even though such communication would not violate the Mississippi Rules of Professional Conduct. These deviations from commonly-accepted deposition practice will cause some to question whether we are sacrificing zealous advocacy for the sake of civility.

### Are the Deposition Guidelines a Solution?

The Bar’s Deposition Guidelines are a worthwhile endeavor. The guidelines aspire to decrease instances of unprofessional conduct during depositions. The guidelines do not mandate civility during depositions. However, the guidelines are consistent with the Uniform Circuit and Chancery Court Rules, the Rules

of Civil Procedure and the on the Bar’s existing Guidelines for Professional Conduct, all of which include a professionalism requirement.<sup>7</sup> So in reality, the Deposition Guidelines add another layer of instruction about how lawyers should behave. The majority of lawyers do not need more rules to know that we should treat our colleagues, clients, and witnesses with respect and dignity. Will the guidelines prompt a “lightbulb moment” for the lawyer who does not realize his or her conduct is unprofessional? Let us hope so. But not all unprofessional conduct arises from being unaware. Conference rooms will still play host to depositions where lawyers engage in uncivil conduct, whether for strategy or for sport. With the Bar’s Deposition Guidelines, we have received not just another reminder to mind our manners; we have been given practical guidance specific to the discovery process, through which we can resolve difficult situations and bring civility back to the discovery process. ➡

5. *Depositions*, Practical Law The Journal/Litigation (October 2013) (46–47), available for purchase at [www.practicallaw.com](http://www.practicallaw.com)

6. Miss. R. Civ. P. 32(d)(3); see also, Jackson & Miller, 13 *Encyclopedia of Mississippi Law* § 13:105

7. <http://www.msbar.org/ethics-discipline/professionalism/guidelines-for-professional-conduct.aspx>



## CABA August Membership Meeting

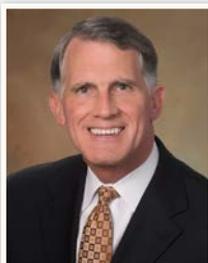
The August membership meeting featured remarks by Justice Jim Kitchens of the Mississippi Supreme Court and Judge Jimmy Maxwell of the Mississippi Court of Appeals, shown with Meade Mitchell, Jennifer Hall, Jennie Eichelberger, and Mike Malouf, Jr.

# REPUBLICAN *vs* DEMOCRATIC

Viewpoints

## 2015 AND THE LEGACY OF KIRK FORDICE

By Andy Taggart



Republicans first won the Governor's Mansion behind the leadership of Kirk Fordice in 1991. With a break of but four years since, Republicans have held that office for the past 24 years.

During that period of time, though with a slightly longer break, Republicans have held a majority or effectively enjoyed a working majority due to controlling the Lt. Governor's office and committee chairmanships, in the State Senate.

But Republicans had long wandered in the wilderness in the State House of Representatives prior to winning a majority as a result of the 2011 elections. So complete was their exile while in the minority, that in the immediately previous four year term, from 2008—2012, no Republican chaired even a single House committee, no matter how inconsequential.

The GOP consolidation of its majority starting in January of 2012 was timed exquisitely. Not only were Republicans able to elect Speaker Philip Gunn from among their ranks and see all major committee chairmanships filled with Republicans, but the party held the reins of

power at the time the decennial redistricting of the entire Legislature fell due.

Republicans did not miss their mark.

Already holding a majority in the House, the GOP leadership, with Elections and Reapportionment Chairman Bill Denny at the helm, drew lines that pitted four Democrat incumbents against one another in two House districts, and drew two districts pitting Republican incumbents against Democrat incumbents, including a district in which Denny pitted himself against long-time Democrat

Representative Cecil Brown. The district was sufficiently favorable to the Republican incumbent that Brown chose not to stand for re-election and is, instead, currently the Democrat nominee for the Public Service Commission from the central district.

All of this is important, because it demonstrates why it is not sufficient for Democrats to believe they must only make up the margin by which they are currently in the minority in the House, but they also must make up for the certainty of having lost

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four seats out of the blocks.

Add to this the fact that the new lines include five completely new districts in which there is no incumbent, and in each of the five the voting history of the districts strongly favor Republican candidates.

So, Republicans gained a modest majority in the House in the 2011 elections running under the formerly drawn lines, lines that actually favored Democrat incumbents. Now, in the first elections to be held under the lines

newly drawn in 2012, Republicans are poised not only to hold their majority, but to make a run at the elusive 60% majority necessary to pass revenue bills.

Going into this fall's election, Republicans are all but certain to hold all seven statewide offices they currently hold. Republican nominee Mike Hurst will run a competitive race against Democrat incumbent Attorney General Jim Hood, the last of the statewide Democrats in office. Republicans will handily hold their

majority in the State Senate, and will likely pick up seats to add to their House majority.

Democrats might prefer to blame their electoral woes on a lack of campaign funds. But what's really happened is that Kirk Fordice's successful race for the Governor's Mansion in 1991, and the steady growth of Republicans' organizing capacity statewide that resulted, have now taken root to entrench Republicans as the majority party in Mississippi for no little period of time. ➡

# THE 2015 GENERAL ELECTIONS IN MISSISSIPPI

By Jere Nash



The elections this fall will be the first to reveal the full force of the 2002 special session on tort reform. That was the year the issue of tort reform upended politics in Mississippi. First, it drove a wedge

between business and professional interest groups and Democratic candidates, denying most Democrats a chance to raise money from those groups. Second, tort reform dramatically restricted the practices of trial lawyers, collectively one of the most generous contributors to Democratic campaigns. The consequences of that special session have taken a decade to work their way through the political process.

In 2003 and in 2007, Democrats had two candidates for governor — Ronnie Musgrove and John A. Eaves, Jr. — who had the ability to spend a substantial amount of money in their statewide elections; the former by raising it (as the incumbent) and the latter by giving it personally. And even though Johnny Dupree was handily outspent in 2011, he was able to generate enough money from

his hometown (as a sitting mayor) to at least avoid embarrassment. As for control of the House—the key battleground for the last two election cycles—so long as Democrats were in the majority, as they were leading up to the elections in 2003, 2007, and 2011, they could raise a competitive amount of money from PACs and other groups and individuals who wanted the ear of committee chairmen, the speaker, and other leaders.

That brings us to 2015. Three Democrats competed for the right to oppose Governor Phil Bryant in the general election: Robert Gray, Valerie Short, and Vicki Slater. The most any candidate was able to raise and spend in the primary was \$200,000 (Slater). Short spent \$41,000 and Gray spent nothing. For a candidate in a statewide race with no name identification, which was the case for all three candidates, \$200,000 is essentially the same as nothing. Confronted with three candidates they knew little to nothing about, voters went with the name first on the ballot. Not only was Johnny Dupree's name first on the primary ballot four years ago, he had spent three times the amount raised by Slater by the night of the primary, a respectable showing. For the election this fall, Phil Bryant has about \$2.8 million cash on hand as I write this. The

financial disparity separating Bryant from Gray (and separating the GOP candidates from their Democratic challengers in the down ballot races, with the exception of Jim Hood, who still has the incumbent platform to raise money) brings to an end a political journey Republicans began in 2002.

As for the House of Representatives, after the Republicans captured that chamber in 2011, they consolidated their grip by adopting a redistricting plan that netted them an additional four House seats and by leaning heavily on the usual contributors to legislative campaigns to support Republican incumbents and Republican challengers. The good news for our side is that while Democrats collectively will be outspent, they have recruited one of the best classes of candidates in recent memory. And unlike statewide and even state senate elections, where money makes a huge difference, house districts are small enough that a candidate who works hard and runs a smart campaign can oftentimes overcome a financial disadvantage.

While Democrats have a path that can return control of the House to their party, those key races will offer a fascinating insight into the ultimate influence of money in determining the outcome of legislative campaigns and, of course, the legacy of 2002. ➡

# THE MISSISSIPPI CIVIL RIGHTS MOVEMENT IN 1965

By John C. Henegan<sup>1</sup>



Unlike the events of the prior 10 years, *Pillar of Fire*, the second volume of Taylor Branch's Pulitzer Prize-winning magisterial trilogy about the civil rights movement, has little to say about

Mississippi in 1965. Branch understandably turns to Alabama and the Selma-to-Montgomery voter registration march. The events in Selma initially began and ended quickly, first on "Bloody Sunday" March 7 and again on "Turnaround Tuesday" March 9.

On "Bloody Sunday," Alabama state troopers and county possemes, acting under the Alabama law of *posse comitatus*, attacked and beat the unarmed marchers with billy clubs and sprayed them with tear gas. Later mounted troopers charged them on horseback. On "Turnaround Tuesday," the Reverend Martin Luther King led 2,500 marchers to the Edmund Pettus Bridge where he stopped the throng for a prayer vigil. Reverend King then told them to return to their lodgings never having left the city limits, the result of a secret agreement with John Doar of the Justice Department.

Only later did he tell the marchers about his agreement with Doar, explaining it was

to prevent them from violating an existing court order.

The third and final march from Selma began March 21, the result of a federal injunction issued by U.S. District Judge Frank Johnson. The participants walked the 54-mile trek to Montgomery in four days, traveling along Jefferson Davis Highway in route and arriving on March 25. News reports estimated that 25,000 people joined the marchers for the final leg of the march to the State Capitol.

Before Judge Johnson issued his injunction, President Lyndon Johnson had called a joint session of Congress on March 15, asking for the enactment of a new federal voting rights law under the Fifteenth Amendment enabling all citizens to exercise their right to vote without regard to race or color. The Selma-Montgomery march is seen as the catalyst for Congress's enactment of the Voting Rights Act of 1965, signed into law on August 6.

But there is more to the story about the adoption of the Voting Rights Act of 1965, including the contributions made by different Mississippians, as Professor John Dittmer reveals in his award winning history — *Local People: The Struggle for Civil Rights in Mississippi* (University of Illinois Press 1995) (530 pp.).

During a special session of the Mississippi legislature called on June 9, 1965, by Governor Paul Johnson, the legislature repealed the state's discriminatory voting laws. Mississippi's voting laws were under Congressional review

as a result of a challenge filed in January 1965 by the Mississippi Freedom Democratic Party ("FDP") to the seating of the Mississippi delegation following the November 1964 general elections. According to Professor Dittmer, "Johnson told legislators he wanted to bring voting and registration requirements into line with those of northern states to pave the way for a court test" when the proposed



federal voting rights act was adopted and "of course, repealing the discriminatory [state] statutes might also undermine the congressional challenge" of the FDP.

While the Mississippi legislature was convened, the FDP organized a one-mile silent march, starting at the Morning Star Baptist Church and ending at the State Capital. On the morning of June 14, the Jackson police arrested the demonstrators for marching without a permit. More than half of those arrested were students from Lanier High School. That morning and over the next two

1. John C. Henegan is a member of Butler Snow LLP in Ridgeland, Mississippi, working in its Commercial Litigation and Appellate Practice Groups. He is a regular contributor to the CABA Newsletter. This is his fifth in a continuing series of articles about the Mississippi civil rights movement written for our newsletter. His prior articles are largely reviews

of books about the Mississippi Freedom Riders of 1961; the enrollment of James Meredith at the University of Mississippi on September 30, 1962; and the life and career of Medgar Evers, the first NAACP field representative in Mississippi; and a memorial to John M. Doar, an attorney in the U.S. Department of Justice in the 1960s, who frequently

came to Mississippi and successfully obtained convictions of eight of the people charged with violating the civil rights of Michael Schwerner, James Chaney, and Andrew Goodman, who were murdered in Freedom Summer of 1964.



weeks, the Jackson police arrested over 1,000 people who attempted to march in parades organized by FDP. The police placed them into vans and took them to the livestock pens at the State fairgrounds where they were confined in deplorable conditions, given substandard food, and, according to the Reverend Ed King, subjected to psychological harassment, with some policemen pretending that the arrestees were about to be gassed and then fumigating them with DDT. Unlike Selma, there was little media coverage and virtually no outside support for the protestors. According to Dittmer, only a very few parents of the students who had been arrested came to their help. On June 30, a three-judge panel of the Fifth Circuit enjoined the City of Jackson from making any further arrests and ordered that the arrestees be released.

Matt Herron, a SNCC photographer in Mississippi, took one of the iconic images of the voting rights movement, which was on display during the past year at the Mississippi Museum of Art, along with the works of nine other civil rights era photographers. During the special session, Mrs. Aylene Quin of McComb and her two children were at the East Entrance to the Governor’s Mansion on June 18, carrying hand-printed posters and small U.S. flags protesting the arrests and incarceration of

the voting rights demonstrators at the State fairgrounds. Herron’s black and white photo captured Mississippi trooper Huey Krohn, a driver and security guard assigned to Governor Paul Johnson at the Mansion, struggling to take a U.S. flag away from Anthony Quin, the five-year-old son of Mrs. Quin.

Herron sent the photograph over the local wire service, and the next day *The New York Times* and other newspapers across the country published the photo.

In July, the State legislature enacted new voting laws. Governor Johnson urged all elections officials not to interfere with anyone’s attempt to register to vote. Congress later dismissed the FDP’s challenge to seating the Mississippi delegation and to the State’s voting laws. Dittmer writes that the Selma-Montgomery march may have been the catalyst, but the FDP’s actions in Mississippi and Washington kept the issue of voter discrimination at the forefront of the Congress’ agenda, aiding the proponents of President Johnson’s bipartisan voting rights package as they worked for its adoption.

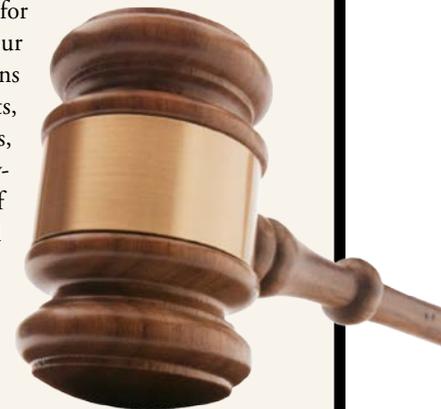
Professor Dittmer taught at Tougaloo College from 1967 to 1979 in Mississippi. As his book’s title, *Local People*, suggests, he takes a “boots on the ground” approach writing about key local events and key local people in the Mississippi

movement — not just its iconic figures. In addition to reporting about the events in Jackson, Dittmer also goes into great detail about what took place later that year in McComb, where the Klan burned crosses in the front yards of residents and firebombed the local newspaper’s offices because J. O. Emmerich, the publisher, denounced the Klan in his editorials. He also describes the events in Natchez, where the Klan engaged in the same terrorist tactics as they had in McComb and Pike County, and an African-American boycott of white Natchez businesses in November and December gained significant concessions for local area African-American residents.

Many readers, even those who lived in these towns during these turbulent events, may have either forgotten or perhaps never even heard about much of what Professor Dittmer covers — all the more reason to dive in and read. His writing is fresh, concise, and undated. In the final chapters, he brings an historian’s perspective to his subject, explaining what he believes the different organizations that made up the Mississippi civil rights movement accomplished and where they fell short in their goals rather than simply reporting about what happened. If there is only one book that you read about this time in Mississippi history, this is the book that I would recommend. 📖

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# THE MISSISSIPPI ACCESS TO JUSTICE COMMISSION

## *Closing the Civil Justice Gap*

By Tiffany M. Graves<sup>1</sup>



1,327,370 Mississippians—or 44% of the state’s population—live in households in lower-to-moderate income brackets where legal assistance is unaffordable. Mississippi ranks first in

America for people living in poverty, with approximately 696,000 Mississippians living at or below the federal poverty level. The number of Mississippians living in poverty has increased by a whopping 72% since 2000.

The Mississippi Access to Justice Commission (“the Commission”) was created by the Mississippi Supreme Court on June 28, 2006 to develop a unified strategy to improve access to the civil courts for the poor. Mississippi was the 23rd state to appoint such a commission. The Commission is tasked with investigating the need for civil legal services to the poor in Mississippi, and evaluating, developing and recommending policies, programs and initiatives that will assist the judiciary in meeting needs for civil legal services to the poor. The overall goal of the Commission is to provide over arching, unifying support for the legal aid system in Mississippi. This support includes exploring means for increased funding and other resources, raising awareness of the need for and value of legal assistance, reducing barriers to access to civil justice and improving the quality and efficiency of the delivery system.

At the time the Mississippi Commission was created, our state ranked 49th in overall funding per person for civil legal services—a mere \$11.18. One of the most debilitating problems for poor people and communities is the lack of access to lawyers and the legal system in civil matters impacting fundamental human needs. Legal needs studies conducted by the American Bar Association

and other groups consistently document that only 20% of the civil legal needs of low- and moderate-income people are met. The percentage is even less in Mississippi. Mississippi’s Legal Services Programs are woefully understaffed and underfunded. Only thirty-four (34) attorneys currently staff the state’s two legal aid programs. In 2014, the programs served 22,839 people. Conservative estimates show that our legal aid programs should be serving 200,000–250,000 annually. The legal aid programs rely on federal funding more than any other programs in the country, with 75% of funding for the Mississippi Center for Legal Services Corporation and North Mississippi Rural Legal Services, Inc. coming from the Legal Services Corporation in 2014.

The Commission was established to be the single unifying entity to bring together the providers of civil legal services to address Mississippi’s civil justice service gaps. The Commission is currently divided into three Committees— Delivery System Committee, Resource Development Committee and Public Awareness. The Committees can include non-Commission members. The Delivery System

Committee oversees the development of an expanded and improved system for providing civil legal services to low-income people. The Resource Development Committee is tasked with developing a long-term plan to increase

*The overall goal of the Commission is to provide over arching, unifying support for the legal aid system in Mississippi.*

funding to civil legal services programs. Finally, the Public Awareness Committee works to educate the Bar, governmental leaders and the public about the scope of the need for legal services. The Commission also recently added two new Sub-Committees, Medical-Legal Partnership and Faith-Based Initiatives to explore opportunities for collaboration with partners in the medical and religious communities, respectively.

In addition to the work of its committees, the Commission also regularly sponsors local access to justice events to encourage county bar associations and community leaders to work together to ensure access to the judicial system for all on a local level. The Commission has proposed amendments to court rules to make it easier for low-income individuals to gain access to the civil courts. It has also proposed rules to make it easier for attorneys to volunteer with civil legal services programs. The Commission is currently developing virtual forms to assist the state’s growing population of self-represented litigants in a variety of civil matters. In addition, the Commission is always seeking new opportunities for funding for

1. Tiffany M. Graves is the Executive Director of the Mississippi Access to Justice Commission. To learn more about the Commission, visit [www.msatjc.org](http://www.msatjc.org).

[www.msatjc.org](http://www.msatjc.org) or email Tiffany at [tgraves@msbar.org](mailto:tgraves@msbar.org). For a list of the state’s civil legal service providers, visit [http://www.msatjc.org/wp-content/](http://www.msatjc.org/wp-content/uploads/2015/01/Marketing-Piece-Free-Legal-Resources-in-Mississippi.pdf)

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civil legal aid, including through legislative appropriations and other funding sources.

It is important to note that the Commission provides support to *civil* legal service providers. Unlike individuals who have committed criminal acts who are guaranteed a right to counsel, people involved in civil legal matters, are not. The provider-members of the Commission provide those with civil matters the legal tools they need to protect their families, homes and health to help assure that they also have access to the court system.

In Mississippi, the demand for civil legal aid far outstrips the resources available and as a result, many are navigating high-stakes legal situations on their own. With our legal services programs turning away two clients for every one who seeks help, the challenges are great. In spite of the challenges, the Commission is gradually improving the delivery system and reaching more people who need legal assistance. The work will not be done until everyone—regardless of income—has equal access to Mississippi’s civil court system and

the state’s civil legal service providers have the capacity—financial and otherwise—to serve everyone who enters their doors with a legal issue for which their programs have been established to help. The work continues and, fortunately, an impressive number of attorneys have joined the Commission by regularly answering the call to service through *pro bono* engagement and similar outreach to citizens in need. ➔

# Free Legal Research Available to CABA Members

By Ben Piazza



While every member of CABA and the Mississippi Bar has access to Casemaker, for those who want to do more detailed research, CABA has what you need! Every lawyer in the tri-county

area has free access to both Lexis and Westlaw—paid for by Hinds County filing fees designated to support the county law library.

Hinds County has been more creative than most in the use of its county law library funds. The money comes from the public and the benefits should be available to both the public and the bar. To that end, satellite law libraries have been established in multiple locations.

All three county courthouses (Circuit, Chancery, and Raymond) have basic legal materials—Mississippi Reports, Mississippi Code, Encyclopedia of Mississippi Law, and other books. In addition, both the Circuit and Chancery Courthouses in Jackson have computer workstations that can be used by attorneys to create and print documents or to access Lexis.

The State Library is mainly funded through the Mississippi Supreme Court; but

the equivalent of its Westlaw subscription and other materials are paid for through county filing fees and are available to all library users at no cost other than for photocopying and printing. As an added benefit, CABA members are not charged for photocopies or printing. The Library’s law collection is extensive and it is a major resource in the state for legal materials.

The courthouses and the State Library are only open from 8:00 to 5:00 Monday to Friday. However, the Eudora Welty Library on State Street has many more hours of availability. In addition to staying open from 9:00 to 9:00 Monday through Thursday (6:00 on Friday), it is also open on Saturday (9:00 to 5:00) and Sunday (1:00 to 5:00). Hinds County filing fees pay for the basic legal materials housed there in hard copy and for free access to Lexis through designated library computers. There is a charge for printing.

Mississippi College School of Law Library is not supported by the county library fund, but

is another great legal research resource available to our members. The Law Library maintains a room on its main level for use by attorneys and judges. The room is furnished with several large tables and contains a collection of Mississippi materials. The Law Library is open from 7:30 to midnight Monday through Thursday (9:00 on Friday). It is also open on Saturday (9:00 to 9:00) and Sunday (noon to midnight).

Ben Piazza chairs CABA’s Hinds County Law Library Committee, which meets with representatives of all the satellite libraries, reviews issues relating to law library service, and makes recommendations to the CABA Board. In turn, the CABA Board makes recommendations to the Hinds County Board of Supervisors. If you have suggestions about Hinds County Law Library services, please send them to Ben at [bjpiazza@schoolaw.com](mailto:bjpiazza@schoolaw.com). A brochure describing law library hours, services, and availability is also available on the CABA website. ➔

## Join a Committee!

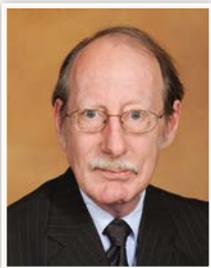
Let us know your ideas for ways CABA can better fulfill its mission of service to the profession and the community. Better yet, join a committee and help out. A list of committees is available on our website [www.caba.ms](http://www.caba.ms)

# » On Computing

Focused on the Contemporary Lawyer



## Helpful Apps to Consider



By Joel Howell

With thanks to the usual suspects, here are some apps that will likely help your practice.

Good Reader is an app that allows the user to annotate, modify, and edit PDF files as well as many other varieties of documents. It's compatible with Dropbox for sending large files and allows documents to be organized by

case as well. (But it does cost \$4.99.)

When you're not at the office but have a document that needs to be scanned and sent, what do you do? You download the free Office Lens app developed by Microsoft! It allows the user to take a picture of the document and then turn it into a Word file, insert a picture into note taking apps, store contact information from business cards and a lot more. It's available for Android, Apple and Windows phones.

Asana is another useful application that allows teams of attorneys and paralegals to make edits to a document without the burden of email threads. It also allows for team management by offering due dates, task lists, reminders, and requests. It is available to both Apple and Android devices and is free for teams of up to 15.

Circleback by Circle Back Inc. is a free app that keeps up with all the contacts in your mobile or digital device. You may have dozens of contacts that are no longer valid. Circleback lets you know when a contact changes his or her number or gets a new email address. That way you'll never have to "circle back" to retrieve their new contact information.

Sending large files via your mobile device can be a frustrating hassle that takes more time than you'd like just to send an email. WeTransfer is an app that sends up to 10GB of data quickly, allowing you to not worry about whether the entire email went through or possibly sending 3 emails just to send a file to a client. WeTransfer also allows you to share files from another app as well. It's available on iOS and Android and is free!

SignMyPad simplifies the normally tedious process of printing a document, signing it, scanning it, and then emailing it to a client. Rather SignMyPad allows you to digitally sign the document and then send it, which is ideal for the environment and busy schedules. A bit pricey at \$19.99, it's available in Google Play and Apple.

SpiderOak is a great app for secure high confidentiality data storage. Much like Dropbox, it saves files; however SpiderOak is encrypted and is excellent for storing sensitive files. Under their Zero Knowledge Policy, the company isn't even able to retrieve your files. SpiderOak also allows you to put the encrypted files in designated share rooms and send file links. It's free up to the first 2 GB. ➔



Questions or comments?

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## PRESIDENT TRUMP, INDEED!

This happens every four years like clockwork. America gets an early frontrunner for President based on early poll numbers; the less Presidential the better. Remember President Cain four years ago? It was “999” all the time. And then there was President Bachman (???) and President Palin (“I can see Russia from my house”) and a dozen more would-be Presidents, but in the end Mitt Romney was the nominee of the GOP and Barack Obama was the President of the United States. Sorry, everybody else. This has been the case in modern times. Remember President Ross Perot, President George Wallace and even President Strom Thurmond of the Dixiecrat Party? As colorful as all these people were, it was not enough to elect them President even though they all got their own nomination. In fact the rule is, the more colorful, the less chance of making it to the White House. The latest version of this is The Donald. His vistas of narcissism and outrageousness are exactly what make him so entertaining. Who knows how much of his overblown rhetoric he believes (I think he believes all of it); he is far and away “must see TV.”

### The Roll Out

The Donald gained immediate traction in his announcement speech by labeling Mexican immigrants as criminals, drug pushers and rapists. Within a couple of weeks he was leading in major national polls. As candidate Trump would say, it was HUGE. He also reminded us of how rich he was at \$8.7 billion dollars. A couple of weeks later he filed his financial disclosure paperwork claiming a net worth of more than “TEN BILLION DOLLARS” (emphasis, the candidate). My reaction was simply, that is the best two weeks in business history, but of course we are talking The Donald, so...

The initial big losers were serious candidates who couldn't break through the bluster to get their message out. As with all the other Presidents cited, this probably won't last; at least I hope not. Because The Donald is a thin-skinned insult machine, it is a matter of time before he explodes. That has already happened in the business community. Witness NBC, Univision, Macy's, Serta, NASCAR, the

PGA, et al., who distanced themselves from The Donald's comments on immigration within a week of his announcement for President. The numbers will only mount as the Donald continues to open his mouth. But that's not where the fun is.

For the pure entertainment of people like me, nothing beats a personal attack on a well known person to drive up the ratings and eventually drive down a candidate's approval rating with the voters. Everybody who is not The Donald is, according to him, “a disaster,” “terrible,” “a loser,” “a trainwreck,” “a sewage spill,” and on and on it goes. Meanwhile, The Donald is “great,” “rich,” “smart,” and every other good thing that God created. And everybody loves him and are his friends, as in the Mexican People, NBC, and you name it. His slogan should be “Specifics—Bad; Generalities—Good.” It must be fun to be The Donald. Of course it helps that he has enough money to finance his own Presidential campaign — or should I say publicity campaign. Sucking up to campaign donors is incompatible with calling them names. So for July, President Trump was out of the gate fast and set to be the next President who would make this country great again.

### The Predictable Blow Up

Not even a month after his announcement, The Donald made it to first place in the polls, not unlike Herman Cain. Simultaneously, Senator John McCain of Arizona labeled Trump's supporters in Arizona as “crazies.” That unleashed a scathing pronouncement by Trump that John McCain was not a war hero due to his five and a half years in the Hanoi Hilton. Seconds later he added that the Arizona Senator was a hero because he was captured and then The Donald declared that he didn't like people who were captured because they were “losers,” albeit war heroes who really weren't but were. You remember. This drew a negative response from other Republican candidates who had held their tongues earlier on the subject of Mexican criminals, drug dealers and rapists. The Donald backed up a step and then doubled down by calling McCain “terrible” on veteran affairs as he continued to ride atop the polls fifteen months out from the general election,

while privately breathing a sigh for relief for his five Vietnam era draft deferments. He broke the silence by giving out Lindsey Graham's private cell phone number after John McCain's buddy called The Donald a "jackass" for dissing his friend, but that didn't have any major effect on Trump's popularity either. The good news is that every new day provides new opportunities for foil and fun. Just sit back and enjoy.

## The Debates

The next batch of fun came in August with the first televised debates. It went like this: The Donald refused to disclaim an independent run for President. He also declared war on debate moderator Megyn Kelly of Fox News. More of the same outrageous fun; details deleted only due to space limitations!

## The Stakes

The rest remains to be seen, but it is worth noting that announced candidates of both parties are running for more than just President. Some are running for Vice President, some for book deals and TV shows and some for general relevance. A case in point is Mike Huckabee, who went from former Governor of Arkansas to national pundit on Fox News. For Mike, he won his 2008 campaign which makes this one possible. I suspect he is running for either President or Vice President. Once we get to within a year of the election, things will change again as people start ramping up their campaigns. Then it will be clearer what the end game really is. Right now, Jeb Bush, Scott Walker and Hillary Clinton are running for President. This list will grow while others will run out of money or willpower and will silently go away. That will take time. Meanwhile, The Donald has just what he wants—Relevance. Why quit when you have what you want?

## The Primaries

To be continued...

## The General Election And Beyond

While I am willing to predict that The Donald will not be President, that is as far as I am willing to go. Over the long haul, The Donald is the classic wildcard. He has too much ego and money to just go away. In fact, he is the stuff of third party runs which would destroy the Republicans in the general election. Whether he is a disaster or not, The Donald will be the last person to know, which creates a real potential problem for the GOP. While most political newcomers would be satisfied with a place on the ticket, Trump is not VP stuff. And he doesn't need the money or the relevance since he already has both in abundance in his bank account and mind. This makes him a real potential problem for the serious Republican candidates. The good news is that we have more than a year to follow this hit soap opera as it develops plots and subplots. Who will he insult next? What surprises await? Will he ever go too far ala a political Cosby? Only

time will tell. In the meantime, just sit back and have fun, unless of course you are a serious Republican candidate for President.

But no matter what happens, the scary part is that a President Trump would have the nuclear launch codes along with his super Trump comb to tame his locks. America could be one hotheaded remark away from nuclear war. Lindsey Graham and Rick Perry insults are one thing but a Vladimir Putin or Kim Jong Un personal attack could raise the stakes to Hiroshima & Nagasaki levels. To put it another way, a mushroom cloud is not only scary, but it is also HUGE! Probably won't happen, but it might!

So, assuming that The Donald doesn't win the GOP nomination, will he go away peacefully? My take is NO! Okay, so will he go away forsaking an independent run for the White House? Only time will tell. In the meantime, let me summarize The Donald's campaign in his own words as I imagine them, to wit:

"Because I am terrific and great and by the way, I love the Peruvian People and they love me, but knowing that everybody but me is a loser and a disaster, I must say that I am the best and I am rich as hell which by the way makes me a triumph and a winner and I will continue to be HUGE!!!"

Indeed, President Trump, indeed! 🇺🇸

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